

| |
|---|
| USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: OCT 23 2018 |
|---|

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

UNITED STATES OF AMERICA

:

: NOLLE PROSEQUI

-v.-

: 99 Cr. 17

MYRON I. GOTTLIEB,

:

Defendant.

:

- - - - -x

1. The filing of this nolle prosequi will dispose of this case with respect to Myron I. Gottlieb, the defendant.

2. On or about January 14, 1999, Indictment 99 Cr. 17 (the "Indictment") was filed, charging Gottlieb in sixteen counts arising from an accounting fraud scheme involving the theatrical entertainment company Livent, Inc., of which Gottlieb was President.

3. Count One charged Gottlieb with conspiracy to commit offering fraud, commit securities fraud, file false registration statements, file false quarterly and annual reports, falsify books and records, circumvent accounting controls, and lie to auditors, from 1995 to 1998, in violation of 18 U.S.C. § 371. Counts Two and Three charged Gottlieb with offering fraud, in October 1997 and June 1998, respectively, in violation of 15 U.S.C. §§ 77q(a) and 77x. Counts Four through Fifteen charged Gottlieb with securities fraud on twelve occasions in 1997 and 1998, in violation of 15 U.S.C. §§ 78j(b) and 78ff. Count Sixteen charged Gottlieb with filing a false

registration statement on November 6, 1997, in violation of 15 U.S.C. § 77x.

4. After the Indictment was filed, authorities in Gottlieb's country of citizenship and residence, Canada, charged him with crimes arising from the same underlying accounting fraud scheme that formed the basis of the Indictment's charges.

5. On or about March 25, 2009, a Canadian court found Gottlieb guilty, after trial, of the crimes charged. On or about August 5, 2009, Gottlieb was sentenced to six years' imprisonment.

6. On or about September 13, 2011, a Canadian appellate court affirmed Gottlieb's conviction, but reduced his sentence to four years' imprisonment.

7. Gottlieb served his sentence of imprisonment, and completed his term of parole.

8. Because Gottlieb has already served a term of imprisonment for crimes arising from the same underlying conduct charged in the Indictment, and because the interests of justice would not be served by further prosecution of this matter, the Government has determined that dismissal of the Indictment is warranted.

9. In light of the foregoing, I recommend that an order of nolle prosequi be filed as to defendant Myron I. Gottlieb with

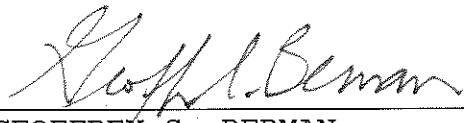
respect to Indictment 99 Cr. 17, and that the charges against the defendant be dismissed with prejudice.



Sarah K. Eddy
Assistant United States Attorney

Dated: New York, New York
October 22, 2018


Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of nolle prosequi be filed as to defendant Myron I. Gottlieb with respect to Indictment 99 Cr. 17, and that the charges contained therein be dismissed with prejudice.



GEOFFREY S. BERMAN
United States Attorney
Southern District of New York

Dated: New York, New York
October 23, 2018

SO ORDERED:



HON. COLLEEN McMAHON
Chief United States District Judge
Southern District of New York

DATED: New York, New York
October 23, 2018